

Appl. No.: 10/027,447
Response dated November 17, 2003
Reply to Office action of August 18, 2003

Remarks

Favorable consideration and allowance of the instant application is respectfully requested in view of the foregoing amendments to the claims, and the remarks which follow.

Claims 11, 13-21, and 23-31 are pending in this application.

The Examiner's rejections, as they pertain to the patentability of the claims, are respectfully traversed.

Claims 12-13 and 22-23 are objected to because of a typo. These claims have been amended to correct said typo. Accordingly, reconsideration and withdrawal of these objections are respectfully traversed.

Claims 20, 21 and 30 are rejected under 35 U.S.C. § 112, second paragraph. This rejection is respectfully traversed for the following reasons.

Claims 20, 21 and 30 have been amended, per the Examiner's suggestion. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 11, 14-19, 21, 24-29 and 31 are rejected under 35 U.S.C. § 102(b) as being anticipated by Hennemann et al. (US 4,153,570). This rejection is respectfully traversed for the following reasons.

It is well settled that a factual determination of anticipation requires the disclosure, in a single reference, of each and every element of the claimed invention, and an Examiner must identify wherein each and every facet of the claimed invention is disclosed in the applied reference. See, In re Levy, 17 USPQ2d 1561 (Bd. Pat. App. & Inter. 1990). Applicant respectfully submits that the '570 patent fails to anticipate the present invention on the grounds that it fails to disclose each and every claimed element thereof.

The present invention requires the usage of a nonionic surfactant having a certain iodine value, degree of ethoxylation, and carbon chain length distribution. The '570 patent,

Appl. No.: 10/027,447
Response dated November 17, 2003
Reply to Office action of August 18, 2003

at a minimum, fails to disclose the claimed carbon chain length distribution. Consequently, it cannot serve to anticipate the claimed invention.

Accordingly, for the above-stated reasons, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 11, 14-21 and 24-31 are rejected under 35 U.S.C. § 102(e) as being anticipated by Smith et al. (US 6,551,976). This rejection is respectfully traversed for the following reasons.

As was noted above, it is well settled that a factual determination of anticipation requires the disclosure, in a single reference, of each and every element of the claimed invention, and an Examiner must identify wherein each and every facet of the claimed invention is disclosed in the applied reference. See, In re Levy, 17 USPQ2d 1561 (Bd. Pat. App. & Inter. 1990). Applicant respectfully submits that the '976 patent fails to anticipate the present invention on the grounds that it fails to disclose each and every claimed element thereof.

The present invention requires the usage of a nonionic surfactant having a certain iodine value, degree of ethoxylation, and carbon chain length distribution. The '976 patent, at a minimum, fails to disclose the claimed carbon chain length distribution. Consequently, it cannot serve to anticipate the claimed invention.

Accordingly, for the above-stated reasons, reconsideration and withdrawal of this rejection is respectfully requested.


It is believed that the foregoing reply is completely responsive under 37 CFR 1.111 and that all grounds for rejection are completely avoided and/or overcome. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Appl. No.: 10/027,447
Response dated November 17, 2003
Reply to Office action of August 18, 2003

The Examiner is requested to telephone the undersigned attorney if any further questions remain which can be resolved by a telephone interview.

Respectfully submitted,

Cognis Corporation
Patent Department
300 Brookside Avenue
Ambler, PA 19002



Steven J. Trzaska.
(Reg. No. 36,296)
Attorney For Applicant(s)
215-628-1416

SJT/mc G:\DATA\TRZASKA\IC2384am.doc